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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00717 JF
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER TO CONTINUE MOTIONS
v.	)	HEARING AND TO EXCLUDE TIME
	)	FROM MARCH 10, 2011, THROUGH
MARCO ANTONIO BARBOSA, and	)	APRIL 14, 2011 UNDER THE SPEEDY
MARIA GUADALUPE BARBOSA,	)	TRIAL ACT (18 U.S.C. §
	)	3161(h)(7)(A),(B))
Defendants.	)	

The United States, through its counsel, and defendants Marco and Maria Barbosa, through their respective counsel, hereby stipulate that, subject to the Court's approval, the pretrial motions hearing in the above-referenced matter scheduled for March 10, 2011, be continued until April 14, 2011. The parties further stipulate to an exclusion of time under the Speedy Trial Act to allow all counsel reasonable time for effective preparation.

The continuance is requested in light of pending defense discovery requests, which the government is attempting to resolve with the defense. By agreement of the parties, the defense has not yet filed potential defense motions while the parties attempt to resolve the discovery requests. In light of this, and based upon scheduling conflicts of the parties, the parties stipulate

1 to an order to continue the scheduled March 10, 2011, hearing until April 14, 2011, and to  
 2 exclude time from March 10, 2011, through April 14, 2011.

3 The parties hereby submit this written request for an order continuing the hearing until  
 4 April 14, 2011, and finding that the time from March 10, 2011, through April 14, 2011, is  
 5 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by  
 6 taking such action and outweigh the best interests of the public and defendants in a speedy  
 7 trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would  
 8 unreasonably deny counsel for defendants the reasonable time necessary for effective  
 9 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

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 11 DATED: February 24, 2011

MELINDA HAAG  
 United States Attorney

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 13 \_\_\_\_\_/s/\_\_\_\_\_  
 EUMI L. CHOI  
 Assistant United States Attorney

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 15 \_\_\_\_\_/s/\_\_\_\_\_  
 LARA VINNARD  
 Assistant Federal Defender

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 17 \_\_\_\_\_/s/\_\_\_\_\_  
 PETER LEEMING, ESQ.

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 21 **ORDER**

22 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY  
 23 ORDERS that the time from March 10, 2011, through April 14, 2011, is excluded under the  
 24 Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking  
 25 such action and outweigh the best interests of the public and defendants in a speedy trial. 18  
 26 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would unreasonably  
 27 deny counsel for defendants and the Government the reasonable time necessary for effective  
 28

1 preparation, taking into account the exercise of due diligence. The Court therefore concludes  
2 that this exclusion of time should be made under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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4 IT IS SO ORDERED.

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6 DATED: 3/4/11

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JEFFREY FOGEL  
UNITED STATES DISTRICT JUDGE